

TAM:JHK  
F.#2012V00677

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
- - - - -X

MICHAEL CATANIA,  
  
Plaintiff,  
  
- against -

NORMA HERBST,  
  
Defendant.

**STIPULATION AND  
ORDER SUBSTITUTING  
UNITED STATES OF  
AMERICA AS DEFENDANT  
AND DISMISSING  
THIRD-PARTY COMPLAINT**

Civil Action No.  
12 CV 1840

(Spatt, J.)  
(Lindsay, M.J.)

- - - - -X

NORMA HERBST,  
  
Third-Party Plaintiff,  
  
- against -

UNITED STATES POSTAL SERVICE;  
PATRICK R. DONAHOE, Postmaster General  
and Chief Executive Officer both  
individually and in his official capacity;  
and John Doe and/or Jane Doe, fictitious  
Persons yet to be identified,

Third-Party Defendants.

- - - - -X

IT IS HEREBY STIPULATED AND AGREED, by and between Third-  
Party Plaintiff NORMA HERBST ("HERBST"), by her attorney, Joseph  
J. Ranni, Esq., and Third-Party Defendants the UNITED STATES  
POSTAL SERVICE; PATRICK R. DONAHOE, Postmaster General and Chief  
Executive Officer both individually and in his official capacity;  
and John Doe and/or Jane Doe, fictitious Persons yet to be

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identified, UNITED STATES POSTAL SERVICE ("THIRD-PARTY DEFENDANTS"), by their attorney, LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, James H. Knapp, Assistant United States Attorney, of counsel, as follows:

1. Pursuant to 28 U.S.C. § 2679(d)(1), the United States of America is substituted as party defendant for Plaintiff NORMA HERBST.

2. HERBST's claims against the THIRD-PARTY DEFENDANTS, and any and all claims arising therefrom, are hereby dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) and (c) of the Federal

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Rules of Civil Procedure, with each party to bear its own costs, fees and disbursements.

Dated: Florida, New York  
May 24, 2012

JOSEPH J. RANNI, ESQ.  
Ranni Law Firm  
Attorney for Norma Herbst  
148 North Main Street  
Florida, New York 10921

By: s/ Joseph J. Ranni  
JOSEPH J. RANNI (JR 8537)  
(845) 651-0999

Dated: Central Islip New York  
May 23, 2012

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York  
Attorney for the United States  
610 Federal Plaza, 5<sup>th</sup> Floor  
Central Islip, New York 11722

BY: s/ James H. Knapp  
JAMES H. KNAPP (JK 5517)  
Assistant U.S. Attorney  
(631) 715-7879

SO ORDERED:

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HONORABLE ARTHUR D. SPATT  
United States District Judge